

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVEN BOWDRY,  
Plaintiff,

v.

BMW OF NORTH AMERICA, LLC,  
Defendant.

Case No. 22-cv-01012-JST

**AMENDED SCHEDULING ORDER**

Re: ECF No. 48

This case is currently governed by a scheduling order entered on June 21, 2022, except that the fact discovery cut-off has been extended by stipulation and order. ECF Nos. 24, 42. The current trial date is May 15, 2023.

On December 12, 2022, Plaintiff Steven Bowdry filed a second amended complaint, which the Court allowed after Bowdry filed a stipulation. ECF Nos. 41, 43, 44. Arguing that it did not agree to the stipulation that Bowdry filed, Defendant BMW of North America, LLC, has moved to dismiss the second amended complaint. ECF No. 45. That motion is scheduled for hearing on February 9, 2023 – which is the current deadline by which dispositive motions must be heard.

The parties now request a continuance of the dispositive motion hearing deadline and trial date to allow time to resolve the pleadings. ECF No. 48. They also propose a briefing schedule for cross-motions for summary judgment. *Id.* at 2-3. However, their proposal does not comply with Paragraph G of this Court's Standing Order for All Civil Cases, which provides that only four briefs will be allowed for such motions and sets page limits for each brief. In addition, the parties propose an initial dispositive motion filing deadline of January 19, 2023 – three weeks before

BMW's motion to dismiss is scheduled to be heard. ECF No. 48 at 2. This sequence of events would be inefficient.

The Court agrees that the unusual posture of this case, in which the pleadings will not be resolved prior to the dispositive motion hearing deadline, requires an amendment of the case schedule. The Court sets the following case deadlines pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10, and consistent with Paragraph G of its Standing Order for All Civil Cases:

Event	Deadline
Deadline for Plaintiff to file motion for summary judgment, in a brief of no more than 25 pages	April 6, 2023
Deadline for Defendant to file motion for summary judgment and opposition to Plaintiff's motion for summary judgment, in a single brief of no more than 25 pages	May 4, 2023
Deadline for Plaintiff to file opposition to Defendant's motion for summary judgment and reply to his own motion for summary judgment, in a single brief of no more than 20 pages	May 18, 2023
Deadline for Defendant to file reply to its motion for summary judgment, in a brief of no more than 15 pages	June 1, 2023
Hearing on motions for summary judgment	June 29, 2023
Pretrial conference statement due	September 1, 2023
Pretrial conference	September 8, 2023, at 2:00 p.m.
Trial	October 2, 2023, at 8:00 a.m.
Estimate of trial length (in days)	Four

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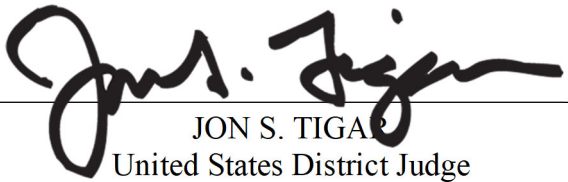
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1 Except as otherwise stated here, all prior orders of the Court remain in effect.

2 **IT IS SO ORDERED.**

3 Dated: June 6, 2023

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JON S. TIGARD  
United States District Judge

United States District Court  
Northern District of California